



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Minutes BOARD OF ZONING APPEALS

James A. Mills, Ward 3, Chairman
J. K. Lowman, Ward 2, Vice Chairman
Susan Grant, Ward 1
G. Marshall Dye, Ward 4
Steven A. Carson, Ward 5
William "Bill" J. Martin, Ward 6
Neil Bishop, Ward 7

Monday, February 27, 2012

6:00 PM

City Hall Council Chambers

Present: J. K. Lowman, James A. Mills, Susan Grant, Steven A. Carson,
William "Bill" J. Martin

Absent: Neil Bishop and G. Marshall Dye

Staff:

Brian Binzer, Development Services Director
Patsy Bryan, Secretary to the Board
Kyethea Clark, Urban Planner
Daniel White, City Attorney

CALL TO ORDER

Chairman Mills called the February 27, 2012 Board of Zoning Appeals meeting to order at 6:00 p.m.

MINUTES:

20120132

January 30, 2012 Regular Board of Zoning Appeals Meeting Minutes

Review and Approval of the January 30, 2012 Board of Zoning Appeals Meeting Minutes

File #20120132 - Mr. Lowman made a motion to accept the January 30, 2012 Board of Zoning Appeals Meeting Minutes, seconded by Mr. Martin. Motion carried 5 – 0.

A motion was made by Board member J. K. Lowman, seconded by Board member William "Bill" J. Martin, that this matter be Approved and Finalized. The motion carried by the following vote: 5 – 0

Absent: 2 - Board member Bishop and Board member Dye

OLD BUSINESS:

20111199**V2012-02 Lucas Mejia 1157 Roswell Road**

V2012-02 [VARIANCE] LUCAS MEJIA request variance for property located in Land Lot 12110, District 16, Parcel 0680 and being known as 1157 Roswell Road. Variance to increase the wall sign allowance from 15% to 25.3% along the south facing wall. Variance to increase the wall sign allowance from 15% to 20.5% along the east facing wall. Ward 6.

File #20111199 (V2012-02) was presented by Mrs. Clark for property located in Land Lot 12110, District 16, Parcel 0680 and being known as 1157 Roswell Road.

A public hearing was held.

The applicant, Lucas Mejia, stated that he was at the last meeting requesting a variance to increase the wall sign allowance from 15% to 25.3% along the south facing wall and a variance to increase the wall sign allowance from 15% to 20.5% along the east facing wall.

Mr. Mejia stated that the signs were professionally done by an artist.

Mr. Lowman explained that, although the sign looks good and is very artistic, the Board cannot set precedence by approving the sign.

Per conversation with Mr. Martin, Mr. Mejia will put a frame around sign and the swirl design will be as per code for sign on side of building.

In discussion, Mr. Mejia told Mr. Martin that he wants to keep the sign on the front.

Jim Brandenstein, a frequent customer spoke in favor of the signs. The signs definitely make the neighborhood look better and are done in good taste. It definitely draws a positive clientele.

Christy Mejia, wife of Presto manager, stated that they were looking for something bold in a sign. The mural was painted by 2 artists from Inman Park.

Jim Smith spoke in favor of the sign.

Fanny Florez, customer of Presto Restaurant, spoke in favor. Mrs. Florez expressed her approval of the sign.

No one spoke in opposition and the public hearing was closed.

Mr. Lowman explained that he agrees with those speaking in favor; however, it will be just as attractive if it were smaller and able to fit within the percentage of wall surface that the ordinance allows.

Mr. Martin made a motion to deny request, seconded by Mr. Lowman. Motion carried 5 – 0.

A motion was made by Board member William "Bill" J. Martin, seconded by Board member J. K. Lowman, that this matter be Denied . The motion carried by the following vote: 5 – 0

Absent: 2 - Board member Bishop and Board member Dye

VARIANCES:**20120098****V2012-04 Richard C. Smith, Jr. 585 Franklin Road**

V2012-04 [VARIANCE] RICHARD C. SMITH, JR. request variances for property located in Land Lot 05780, District 17, Parcel 0020 and being known as 585 Franklin Road. Variance to reduce the requirement that an accessory structure may not be closer to any right-of-way than the principal building. Variance to increase the allowance of the more restrictive height structure from 15 ft. to 18 ft. Ward 6.

File #20120098 (V2012-04) was presented by Mrs. Clark for property located in Land Lot 05780, District 17, Parcel 0020 and being known as 585 Franklin Road.

A public hearing was held.

The applicant, Richard C. Smith, Jr., is seeking variances to reduce the requirement that an accessory structure may not be closer to any right-of-way than the principal building and to increase the allowance of the more restrictive height structure from 15 feet to 18 feet.

Mr. Smith explained that the structure in question was going to be the top of the building that was demolished several months ago. Mr. Jaraysi placed the structure in a landscaped island on the property surrounded by right-of-way on four sides.

No one spoke in favor or in opposition and the public hearing was closed.

Mr. Martin moved to deny the request, seconded by Ms. Grant. Motion carried 5 – 0.

A motion was made by Board member William "Bill" J. Martin, seconded by Board member Susan Grant, that this matter be Denied . The motion carried by the following vote: 5 – 0

Absent: 2 - Board member Bishop and Board member Dye

20120099**V2012-05 Jeffrey Geiger (NCG Marietta, Inc.) 1050 Powder Springs Street**

V2012-05 [VARIANCE] JEFFFREY GEIGER (NCG MARIETTA, INC.) request variance for property located in Land Lot 00670, District 17, Parcel 0330 and being known as 1050 Powder Springs Street. Variance to allow required parking to be provided on other off-street property. Ward 2.

File #20120099 (V2012-05) was presented by Mrs. Clark for property located in Land Lot 00670, District 17, Parcel 0330 and being known as 1050 Powder Springs Street.

A public hearing was held.

The applicant, Jeffrey Geiger (NCG Marietta, Inc.) was represented by Don Ayers, site engineer for NCG theatres.

Mr. Ayers explained that there are presently 190 parking spaces on the theatre site and

a cross access and parking easement agreement with Cobb County will add an additional 437 spaces.

Mr. Hunter Hamilton, a resident of Laurel Springs Subdivision, spoke in favor. Mr. Hamilton is concerned about the upkeep of the chain link fence contiguous to neighboring properties and the county/theatre site.

No one spoke in opposition; therefore, the public hearing was closed.

When questioned by Mr. Lowman, Mr. Ayers agreed to check into refurbishing the fence, as he was not aware of the situation at the present time.

According to Mr. White, city attorney, any fence issues would be a code enforcement issue.

Mr. Lowman moved to grant the variance, seconded by Mr. Martin. The rationale being that granting the variance allows the parking to be shared for uses with different peak times across the property and helps preserve the value of their property within the city. Motion approved 5 -0.

A motion was made by Board member J. K. Lowman, seconded by Board member William "Bill" J. Martin, that this matter be Approved and Finalized . The motion carried by the following vote: 5 – 0

Absent: 2 - Board member Bishop and Board member Dye

20120100**V2012-06 Kim Bullard 901 Burnt Hickory Road**

V2012-06 [VARIANCE] KIM BULLARD request variance for property located in Land Lot 03230, District 20, Parcel 0480 and being known as 901 Burnt Hickory Road. Variance to allow a wall sign project above the eave line. Variance to increase the wall sign allowance from 15% to 16.3% for the east facing wall. Ward 4.

File #20120100 (V2012-06) was presented by Mrs. Clark for property located in Land Lot 03230, District 20, Parcel 0480 and being known as 901 Burnt Hickory Road.

A public hearing was held.

The property owner, Kim Bullard, is seeking a variance to allow a wall sign project above the eave line and to increase the wall sign allowance from 15% to 16.3% for the east facing wall.

Mrs. Bullard, owner of the carwash adjacent to Kroger off Burnt Hickory Road, needs to relocate the existing sign to the other side of the building for better visibility.

No one spoke in favor or in opposition; therefore, the public hearing was closed.

Mr. Mills made a motion to approve the variances, seconded by Mr. Carson. The rationale being that granting the variances will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare. Motion carried 5 – 0.

A motion was made by Board member James A. Mills, seconded by Board member Steven A. Carson, that this matter be Approved and Finalized . The

motion carried by the following vote: 5 – 0

Absent: 2 - Board member Bishop and Board member Dye

20120101

V2012-07 Melissa W. & J. Parker Gilbert 243 Kennesaw Avenue

V2012-07 [VARIANCE] MELISSA W. & J. PARKER GILBERT request variance for property located in Land Lot 11580, District 16, Parcel 0780 and being known as 243 Kennesaw Avenue. Variance to increase the height of a fence in the front and side yard from 4 ft. to 6 ft. Ward 4.

File #20120101 (V2012-07) was presented by Mrs. Clark for property located in Land Lot 11580, District 16, Parcel 0780 and being known as 243 Kennesaw Avenue.

A public hearing was held.

The applicant, Melissa Gilbert, is seeking a variance to increase the height of a fence in the side yard from 4 feet to 6 feet. The 4' fence along Kennesaw Avenue will remain as is.

Mammie Hodnett, a resident of 256 Kennesaw Avenue, spoke in favor of the 6 foot height fence request.

Since no one spoke in opposition, the public hearing was closed.

Mr. Lowman made a motion to grant the variance as requested, seconded by Mr. Carson. The rationale being that granting the variance is necessary for the preservation and enjoyment of the applicant's property. The motion carried 5 – 0.

A motion was made by Board member J. K. Lowman, seconded by Board member Steven A. Carson, that this matter be Approved and Finalized . The motion carried by the following vote: 5 – 0

Absent: 2 - Board member Bishop and Board member Dye

ADJOURNMENT:

The February 27, 2012 Board of Zoning Appeals Meeting adjourned at 6:51 p.m.

JAMES A. MILLS, CHAIRMAN

PATSY BRYAN, SECRETARY